

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

City of Port Isabel, et al.)	
)	
Petitioners)	
)	No. 23-1174
v.)	
)	
Federal Energy Regulatory Commission,)	
)	
Respondent.)	
)	
)	

**MOTION OF RIO GRANDE LNG, LLC
TO INTERVENE IN SUPPORT OF RESPONDENT**

Pursuant to Rules 15(d) and 27 the Federal Rules of Appellate Procedure, and Rules 15(b) and 27 of the D.C. Circuit, Rio Grande LNG, LLC (“Rio Grande”) hereby moves for leave to intervene in the above captioned proceeding.

I.

On July 10, 2023, the City of Port Isabel and two other petitioners filed the above-captioned petition for review seeking review of the following order issued by the Federal Energy Regulatory Commission (“FERC” or “Commission”):

1. Order on Remand and Amending Section 7 Certificate, *Rio Grande LNG, LLC & Rio Bravo Pipeline Company, LLC*, Docket Nos. CP16-454, CP16-455, CP20-481, 183 FERC ¶ 61,046 (Apr. 21, 2023).

A petition for rehearing of this order was deemed denied by operation of law for purposes of allowing an appeal, but is still pending before the agency.

The order as to which review is sought, copies of which are attached to the petition for review, confirmed the authorization of intervenor-movant Rio Grande to site, construct, and operate a liquefied natural gas terminal in Cameron County, Texas, and authorized Rio Bravo Pipeline Company, LLC (“Rio Bravo”) to construct and operate a pipeline system in five Texas counties.

II.

The petition for review seeks to overturn the terminal authorization FERC granted to Rio Grande, and the pipeline authorization it granted to Rio Bravo. Rio Grande will be directly affected by that relief, as the FERC authorizations are necessary to allow for the continued construction and future operation of the terminal and pipeline, and overturning them would risk the future of their multi-billion dollar investment.

III.

Rio Grande actively participated as a party in the FERC proceedings under review. Its interests will be directly affected by any order issued by this Court in this proceeding, and cannot be adequately protected by any other party. *See Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 734-35 (D.C. Cir. 2003)(noting that this is a “minimal” and “not onerous” standard under which intervention “ordinarily should be allowed.”)(citing *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972), *Dimond v. District of Columbia*, 792 F.2d 179, 192 (D.C.Cir.1986), and

United States v. American Tel. & Tel. Co., 642 F.2d 1285, 1293 (D.C. Cir.1980)).
See also id., at 736 (“we have often concluded that governmental entities do not adequately represent the interests of aspiring intervenors”)(citing *Dimond*, 792 F.2d at 192-93). This motion is timely filed within 30 days of the filing of the petition for review. Rio Grande was permitted to intervene in a prior proceeding in this court seeking review of approvals for the Rio Grande terminal, No. 20-1045.

Rio Grande plans to support Respondent FERC in this action.

Rio Grande therefore respectfully requests that this Court grant its Motion to Intervene on behalf of the Respondent as a party of record in this proceeding.

Respectfully submitted,

/s/ John Longstreth

John Longstreth

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Counsel for Rio Grande LNG, LLC

August 9, 2023

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**CORPORATE DISCLOSURE STATEMENT
OF RIO GRANDE LNG, LLC**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, and District of Columbia Circuit Rule 26.1, Rio Grande LNG, LLC (“Rio Grande”) submits the following required Disclosure Statement as to its parent companies and any publicly-held company that has a 10% or greater ownership interest in Rio Grande:

Rio Grande is a wholly owned indirect subsidiary of Rio Grande LNG Intermediate Holdings, LLC (“RGIH”). NextDecade LNG, LLC (“NextDecade LNG”) has a greater than 10% interest in RGIH. NextDecade LNG’s parent company NextDecade Corporation is a publicly traded company.

TotalEnergies SE, a publicly traded global energy corporation headquartered in France, has a greater than 10% interest in RGIH held through its affiliate Global LNG North America Corp.

Pursuant to the requirement of Circuit Rule 26.1(b) that movant provide a statement of general nature and purpose relevant to the litigation, Rio Grande hereby states as follows:

Rio Grande is a limited liability company with its principal place of business in Houston, Texas. Rio Grande is developing a liquefied natural gas terminal that will be located on the Brownsville Ship Channel in Cameron County, Texas.

Respectfully submitted,

/s/ John Longstreth

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Counsel for Rio Grande LNG, LLC

August 9, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of August 2023, I electronically filed the foregoing Motion to Intervene of Rio Grande LNG, LLC with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. I further certify that I have mailed the foregoing document by first-class mail, postage prepaid, to any participants in the case who are not CM/ECF users.

/s/ John Longstreth